

**UNITED STATES COURT OF APPEALS**  
**FOR THE TENTH CIRCUIT**

**OCT 28 2003**

**PATRICK FISHER**  
Clerk

CAPITOL INDEMNITY  
CORPORATION,

Plaintiff-Appellee,

v.

PRICE MUNICIPAL  
CORPORATION,

Defendant-Appellant.

No. 02-4097  
(D.C. No. 2:99-CV-0141)  
(D. Utah)

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**ORDER AND JUDGMENT \***

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Before **LUCERO** , **McWILLIAMS** , and **O'BRIEN** , Circuit Judges.

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We granted oral argument in this case in order to thoroughly consider the claims of error raised by the Appellant. Having now heard oral argument, having carefully considered the parties' briefs and authorities, and having reviewed the record, we find ourselves in complete accord with the well-reasoned and scholarly opinion of the district court.

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\* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

We will neither recite the facts which have been summarized by the district court, nor will we restate the claims of error as the parties are thoroughly familiar with them. Reviewing all arguments raised before us, including Appellant's claim that one of the grounds relied upon by the district court — based on suretyship law — was not specifically pled in the complaint, we find no error which merits correction. For substantially the reasons stated by the district court we AFFIRM the judgment.

ENTERED FOR THE COURT

Carlos F. Lucero  
Circuit Judge